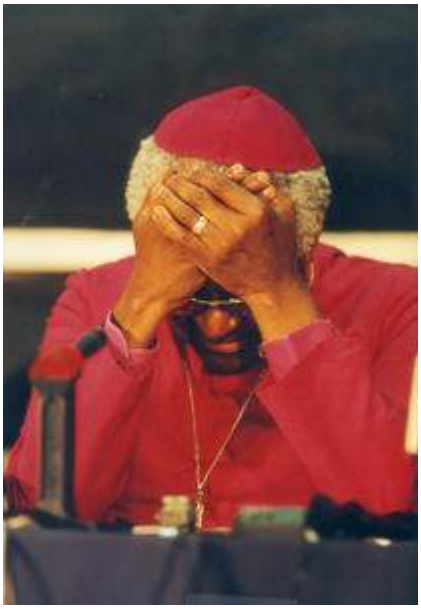
Repairing the Past for a Better Future
The role of reparations in transitions to democracy



Archbishop Desmond Tutu, chair South Africa's Truth and Reconciliation Commission, reacts to testimony about crimes committed during the apartheid era in South Africa. (Sunday Times Photo)

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Maureen O'Neil

The testimony still shocks and horrifies — in criminal courts and truth commissions and international tribunals around the globe, grieving accounts of violent injustice. The prosecution of perpetrators in these cases is by now an expected part of restoring justice to victims and peace to a society recovering from conflict. But there is another and less familiar element to a just and peaceful recovery: reparations.

Much has been achieved in recent years to strengthen human rights norms, and to enforce national and international law against violators. Scholars and advocates have expanded our understanding and advanced the progress of human rights law and practice. Parliaments and governments are creating whole new institutions of punitive justice, particularly in post-conflict transitions.

Less understood than punitive justice are the imperatives and possibilities of reparative justice. Reparations can be material — in compensation, or restitution, or substantive measures to rehabilitate lives harmed and communities damaged. But reparations can also prove powerful as symbolic undertakings, in the form of official and solemn acknowledgements or apologies, in monuments and memorials, or in gestures as simple as the naming of streets and parks. Reparations can be personal, directed at individuals in respect of individual wrongs; they can also be collective, addressed to afflicted groups or communities.

At their best, reparations can heal lives and mend societies wounded by conflict. Yet compared to the operations of criminal justice, reparations remain relatively unexplored by researchers and unexamined as policy in post-conflict settings.

In short, we know something about prosecuting and punishing perpetrators. We know much less about helping their victims. What we do know is that reparation for victims is both immensely complex and often desperately necessary.

The complexity of reparations

Reparation, whether symbolic or material, embraces first of all a profoundly personal dimension: questions of hurt and sorrow, loss, and the reconstruction of private lives. And in this context, some of the most acute and disturbing injustices committed during conflict are the sufferings inflicted — sometimes systematically — on women and girls.

Reparation embraces as well a very public social and political dimension: questions of disputed histories, social cohesion, and the reconstruction of political life and governmental legitimacy. After a conflict has subsided and a crisis passes, divided and dispirited societies have to organize a lasting reconciliation, a new sense of civic trust and shared future.

The more ferocious the conflict has been, the more complex this transition will be.

The importance of research

Every successful transition, each in its own circumstances and in its own details, will raise issues of high principle and hard politics; issues of morality and money; issues of institutional capacity, legitimacy, and will. Early research has already begun to illuminate these issues. (Indeed, some of the most promising research is emerging from the collaboration between IDRC and the International Center for Transitional Justice.) But the impediments to fully understanding reparations, and to making them fully effective, remain difficult and complicated.

At IDRC we focus on making the practical connections between knowledge and policy, learning and action. This is always our overarching purpose — to inform public policy, and public education, so that people can recover from strife and build the practices and institutions of democratic and sustainable development.

In many countries, the challenge of peacebuilding will be confounded by the tension between meeting the demands of development and satisfying just claims for reparations.

To put it bluntly: It is not good enough for a society to promote development and to call that reparation. True reparations can contribute substantially to development, without doubt; they can enlarge a government's legitimacy and encourage inter-communal reconciliation. But the specific arguments for reparation stand apart from the general justification of development. Reparation policy and action need always to be distinguished from development policy and action.

For those of us who support and carry out research for development and transition to sustainable democracy, this is precisely our mission — to explore and analyze these issues, and then to present them to policy-makers as real and practical choices.

We will not have completed our work simply by setting out problems and describing obstacles, essential as that is. To have effect, we must also help people and their governments improve their own capacity to design, decide and deliver genuine reparation — and so to accelerate transitional justice.

For many, securing a better future will require them together to repair the past.

Maureen O'Neil is the president of the International Development Research Centre (IDRC). She opened the symposium, Repairing the Past: Reparations and Transitions to Democracy *held at IDRC Headquarters March 11-12, 2004.*